

Remarks

The Applicant respectfully submits the above amendments and the following remarks in response to the Office Action dated November 20, 2002.

Specification

The Examiner objected to the disclosure because of various terms associated with reference numeral 32. By this Amendment, the specification has been amended to clarify that reference numeral 32 refers to the neck member. In the illustrated embodiment with which the text at issue is associated, the neck member is in the form of a cylindrical protrusion, and it forms a nozzle after the breakaway tip is removed. Thus, these descriptions accompany the reference to neck member 32 at certain places in the disclosure.

The title has been changed. Because the present claims do not require the package to be reclosable, that modifier has not been included in the amended title.

Claim Rejections – 35 USC 112

The cancellation of a number of claims, as well as the amendments to claim 20, are believed to overcome the rejections under 35 USC 112.

Claim Rejections – 35 USC 102 and 103

The claims were rejected under 35 USC 102 and 103 as unpatentable over US Patent No. 4,130,387 to Sauer and US Patent No. 4,127,378 to Meadors. The Applicant respectfully requests reconsideration of these rejections, in view of the remarks below and the above amendments.

All of the pending claims recite an apparatus with certain components to form specific structure from heated thermoplastic film. One part of the specific structure is a fault line formed

in the film. The fault line is a thinned portion of the film that is easily ruptured, to allow an aperture to be created in the dispenser package.

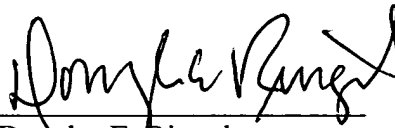
In the claims as now presented, the thermoplastic film is described as initially having an uncompressed film thickness T . The apparatus has a punch mechanism with a fault line forming portion and a die mechanism with a shoulder. The fault line forming portion and the shoulder cooperate to form the fault line. More specifically, they pinch the film to compress its thickness in a localized area. Thus, as recited in the claims, the fault line forming portion of the punch is advanced to a distance D from the shoulder, with the film therebetween. The distance D is less than the uncompressed film thickness T . This pinches and compresses the film in that location, thereby forming said fault line. Support for this feature can be found in the disclosure, for example at page 28, lines 30-34, and page 31, lines 24-31.

US Patent No. 4,130,387 to Sauer shows an apparatus for forming plastic articles, but it has no fault line forming portion and no shoulder for cooperating with such a portion. The Applicant respectfully submits that Sauer does not disclose or suggest the claimed apparatus wherein a fault line forming portion of a punch is advanced to a distance D from a shoulder, with film therebetween, with the distance D being less than the uncompressed film thickness T , such that the fault line forming portion and the shoulder compress the film in that location, thereby forming a fault line. US Patent No. 4,127,378 to Meadors similarly does not disclose or suggest this recited structure.

For the foregoing reasons, the Applicant respectfully requests reconsideration of this application. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at (202) 220-4225. The Commissioner is authorized to charge any necessary fees or credit any overpayments under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,
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